


11324 U.S. PTO
012904

CERTIFICATE OF EXPRESS MAILING	
NUMBER:	EL 831819976 US
DATE OF DEPOSIT:	January 29 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
 Signature	

22278 U.S. PTO
10/767605
012904

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark J. Rupar
William P. Donovan
Yuping Tan
Annette C. Slaney

§
§ Group Art Unit:
§
§ Examiner:
§
§ Atty. Dkt. No.: MECO:017--3
§ 11792.0017.DVUS03
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Serial No.:

Filed: January 29, 2004

For: **PLANTS TOXIC TO COLEOPTERAN INSECTS**
AND CTENOCEPHALIDES SPP. (AMENDED).

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application U.S. Serial No. 10/386,972, filed March 12, 2003, entitled "Bacillus thuringiensis CryET29 Compositions Toxic to Coleopteran Insects and Ctenocephalides Spp."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 10/386,972 as originally filed, including specification (90 pages), claims (12 pages), original drawings (2 pages), abstract (1 page), and declaration. The undersigned hereby verifies to the best of her knowledge that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any)

referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

☒ The inventorship is the same as prior Application Serial No. 10/386,972.

- ☒ 2. The Commissioner is authorized to charge the filing fee of \$770.00 to Deposit Account No. 01-2508/11792.0017.DVUS03 to cover the filing fee as calculated upon entry of the Preliminary Amendment referred to in Item No. 6 below.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	5 - 20 =	0 X	\$18.00 =	\$0.00
Independent Claims	1 - 3 =	0 X	\$86.00 =	\$0.00
Multiple Dependent Claim(s) -----			\$290.00	\$-0-.00
TOTAL FILING FEES:				\$770.00

- ☒ 3. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Deposit Account No. 01-2508/11792.0017.DVUS03.

- ☒ 4. The prior application is presently assigned to Monsanto Technology LLC.

- ☒ 5. Enclosed is a copy of the current Power of Attorney executed on behalf of Monsanto Technology LLC.

- ☒ 6. Enclosed is a preliminary amendment.
- ☒ 7. An Information Disclosure Statement (IDS) is enclosed.
☒ Form PTO-1449.
- ☒ 8. Enclosed is a substitute sequence listing and the computer readable form which have been corrected and updated to Patent In Version 3.2, from the copending application, Serial No. 10/386,972, filed July 6, 2000. Statements required under 37 C.F.R. § 1.821 (f) and (g) are also included.
- ☒ 9. Enclosed are formal drawing sheets (Figs. 1A-B).
- ☒ 10. Address all future communications to:
Ms. Patricia A. Kammerer
Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400
- ☒ 11. Return Receipt Postcard (specifically itemized).

Respectfully submitted,



Amy G. Klann
Reg. No. 48,155
AGENT FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

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Date: January 29, 2004

